

HOUSE BILL 1481

L5, L2

0lr3359

By: **Prince George's County Delegation and Montgomery County Delegation**

Introduced and read first time: March 1, 2010

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 8, 2010

Committee Report: Favorable

House action: Adopted

Read second time: March 25, 2010

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Maryland–National Capital Park and Planning**
3 **Commission – Lease, Contract, or Agreement – Terms**

4 **PG/MC 118–10**

5 FOR the purpose of prohibiting a certain lease, contract, or agreement entered into by
6 the Maryland–National Capital Park and Planning Commission from including
7 certain provisions under certain circumstances; providing that a certain
8 prohibition applies only in Montgomery County; and generally relating to the
9 terms of a lease, contract, or agreement entered into by the Maryland–National
10 Capital Park and Planning Commission.

11 BY repealing and reenacting, with amendments,
12 Article 28 – Maryland–National Capital Park and Planning Commission
13 Section 5–110
14 Annotated Code of Maryland
15 (2003 Replacement Volume and 2009 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 28 – Maryland–National Capital Park and Planning Commission**
19 5–110.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(A)** The Commission may (1) lease for a term not exceeding 40 years and
2 renew the lease from time to time for additional terms not exceeding ten years each, to
3 any responsible individual, partnership or corporation, any portion of the lands within
4 the metropolitan district, acquired for park purposes under any of the provisions of
5 this article. The Commission may not enter into any lease agreement in excess of 20
6 years duration without the prior approval of the provisions of the lease by legislative
7 enactment of the county in which the lease property is located in whole or in part.
8 Further, all such lease agreements shall contain provisions for reversion without cost
9 to the Commission of the property and its improvements regardless of whether the
10 improvements were added to the property by the lessee during the term of the lease or
11 any extension of the lease; and/or (2) grant privileges, permits, and/or concessions,
12 and/or enter into contracts relating to the same, with any responsible individual,
13 partnership, or corporation, to engage in any business or enterprise on lands acquired
14 for park purposes within the metropolitan district under any of the provisions of this
15 article; all on terms and conditions the Commission deems advantageous to the
16 development of the park system as a part of the plan for the physical development of
17 the metropolitan district and the plan of the Maryland–Washington Regional District
18 within the metropolitan district. The purpose for which the property is leased, and/or
19 the privileges, permits, and/or concessions are granted, may not be inconsistent with
20 the use of the property for park purposes. Any lease and/or contract executed under
21 the authority of this section shall contain a condition, stating specifically the purposes
22 for which the property is leased, and/or the privilege, permit, or concession is granted.
23 All agreements entered into by the Commission pursuant to this article shall contain
24 provisions forbidding the assignment of the agreement without the consent of the
25 Commission. This article may not be interpreted as a limitation on the Commission’s
26 authority to require in any agreement more restrictive provisions deemed by the
27 Commission to be in the public interest. The provisions of this article may not be
28 construed to validate any lease or agreement executed prior to July 1, 1972, which
29 provides for an initial term beyond 20 years duration, nor to permit the renegotiation
30 of any lease or agreement executed prior to July 1, 1972, for the purpose of extending
31 the initial term of the lease beyond 20 years duration. This limitation does not apply to
32 any lease with a nonprofit, service–oriented organization.

33 **(B) (1) THIS SUBSECTION APPLIES ONLY IN MONTGOMERY COUNTY.**

34 **(2) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, A**
35 **LEASE, CONTRACT, OR AGREEMENT ENTERED INTO UNDER THIS SECTION MAY**
36 **NOT CONTAIN A PROVISION THAT:**

37 **(I) AUTHORIZES A PERSON OTHER THAN THE COMMISSION**
38 **TO CLOSE A PARK OR PARK FACILITY; OR**

39 **(II) PROHIBITS THE COMMISSION FROM OPERATING ANY**
40 **OTHER PARK OR PARK FACILITY UNDER THE COMMISSION’S JURISDICTION IN**

1 **ORDER TO PREVENT COMPETITION WITH THE PARK OR PARK FACILITY THAT IS**
2 **THE SUBJECT OF THE LEASE, CONTRACT, OR AGREEMENT.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.